

Message Text

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C O N F I D E N T I A L STATE 243057

E.O. 11652: GDS

TAGS: MASS, SHUM, PA

SUBJECT: PARAGUAY - HUMAN RIGHTS OBSERVANCE REPORT

REF: STATE 237752

1. PER PARA 5 REFTEL PARTIALLY CLEARED DRAFT TEXT OF HUMAN RIGHTS OBSERVANCE REPORT FOR PARAGUAY FOLLOWS FOR EMBASSY CLEARANCE AND COMMENTS. IN ITS PRESENT FORM THIS REPORT WILL BE GIVEN TO CONGRESS ON UNCLASSIFIED BASIS. EMBASSY RESPONSE IS NEEDED BY OOB OCTOBER 4.

2. BEGIN TEXT:

I. POLITICAL SITUATION: POLITICALLY AND ECONOMICALLY PARAGUAY IS THE MOST QUIESCENT AND STABLE NATION IN SOUTH AMERICA. THE COUNTRY IS PREDOMINANTLY RURAL AND AGRICULTURAL WITH A LOW DEGREE OF LITERACY AND A SIGNIFICANT PROPORTION OF ITS POPULATION UNASSIMILATED INTO THE MARKET ECONOMY. GENERAL STROESSNER HAS GOVERNED FOR TWENTY TWO YEARS. HIS FIRM CONTROL LIMITS SOME POLITICAL FREE-
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DOMS AND HAS RESULTED IN SOME INTERNATIONAL CRITICISM

ON SUCH ISSUES AS HUMAN RIGHTS, BUT NO SIGNIFICANT CHALLENGE EXISTS TO HIS CONTINUED TENURE.

THE NEXT PRESIDENTIAL ELECTIONS ARE TO BE HELD IN NOVEMBER 1977. THE MAJORITY COLORADO PARTY HAS INITIATED IN THE PARAGUAYAN CONGRESS THE LEGAL PROCESS REQUIRED TO

AMEND THE CONSTITUTION IN ORDER TO PERMIT PRESIDENT STROESSNER TO SUCCEED HIMSELF FOR ANOTHER TERM. A SPECIAL NATIONAL ASSEMBLY COMPOSED OF BOTH HOUSES OF THE CONGRESS AND OTHER GOVERNMENT AND NON-GOVERNMENT LEADERS, VOTED ALONG PARTY LINES IN FAVOR OF THE CHANGE. THE OFFICIALLY RECOGNIZED OPPOSITION PARTIES HAVE SHOWN THEMSELVES INCREASINGLY INCLINED TO SPEAK OUT AGAINST THE CONSTITUTIONAL AMENDMENT AS WELL AS HUMAN RIGHTS ABUSES. THESE CRITICISM HAVE BEEN AMPLY REFLECTED IN THE PRESS. THE NEXT MOVE IS THE ELECTION OF A CONSTITUENT ASSEMBLY, WHICH WILL PROBABLY CONVENE IN EARLY 1977, TO COMPLETE THE AMENDMENT PROCESS. OPPOSITION PARTIES HAVE VOWED TO BOYCOTT THE ASSEMBLY.

PRESIDENT STROESSNER CAN BE EXPECTED TO CONTINUE THE POLICIES WHICH IN HIS VIEW BROUGHT PARAGUAY INTERNAL PEACE, STABILITY, AND ECONOMIC PROGRESS. CONSERVATIVE ELEMENTS HAVE CITED A CONTINUING CONCERN ABOUT SUBVERSION AS A BASIS FOR DISCOURAGING LIBERALIZATION. HOWEVER, HIGH GOVERNMENT OFFICIALS, WHILE INDICATING NATIONAL SECURITY WILL REMAIN ONE OF THEIR CHIEF CONCERNS, HAVE MAINTAINED THAT THE GOVERNMENT WILL BRING TO TRIAL ALL PERSONS ACCUSED OF BEING SUBVERSIVES. A SUBSTANTIAL NUMBER OF THESE PERSONS HAVE RECENTLY BEEN FREED. MOST OF THE DETAINEES ACCUSED OF SUBVERSION HAVE BEEN MOVED TO A NEW PRISON FACILITY WHICH OFFERS BETTER LIVING FACILITIES AND EASIER ACCESS TO FAMILY AND LAWYERS. ARRESTS HAVE VIRTUALLY CEASED OVER THE PAST TWO MONTHS.

II. LEGAL SITUATION

THE PARAGUAYAN CONSTITUTION PROVIDES GUARANTEES FOR A WIDE RANGE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS. HOWEVER, THOSE PERSONS ACCUSED OF SUBVERSIVE ACTIVITIES
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ARE HELD UNDER STATE OF SIEGE PROVISIONS BASED ON ARTICLE 79 OF THE PARAGUAYAN CONSTITUTION. THE STATE OF SIEGE SUSPENDS CONSTITUTIONAL AND OTHER LEGAL GUARANTEES FOR PERSONS ARRESTED THEREUNDER. A STATE OF SIEGE HAS BEEN IN EFFECT CONTINUOUSLY FOR THE PAST 30 YEARS.

III. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

A. INTEGRITY OF THE PERSON

ARTICLE 3: THE PARAGUAYAN CONSTITUTION GUARANTEES THE INVOLABILITY OF LIFE, LIBERTY AND SECURITY OF PERSONS. REPORTS OF ABUSES IN THIS AREA HAVE ARISEN IN CONJUNCTION WITH ARRESTS UNDER THE STATE OF SIEGE. THESE ABUSES HAVE BEEN ATTRIBUTED TO GOVERNMENT ACTIONS.

ARTICLE 5: POLITICAL PRISONERS NORMALLY ARE SUBJECTED BY OFFICIAL AGENCIES TO HARSH TREATMENT, REPORTEDLY INCLUDING TORTURE. ARTICLE 65 OF THE CONSTITUTION PROSCRIBES SUCH TREATMENT.

ARTICLE 8: THE RIGHT TO OBTAIN LEGAL REDRESS FOR VIOLATIONS OF THEIR RIGHTS IS, IN PRACTICAL TERMS, NOT AVAILABLE TO POLITICAL DETAINEES HELD UNDER STATE OF SIEGE.

ARTICLE 9: STATE OF SIEGE PROVISIONS SUSPEND GUARANTEES AGAINST ARBITRARY ARREST OR DETENTION FOR PERSONS ACCUSED OF SUBVERSION. DUE PROCESS IS SUSPENDED FOR PERSONS HELD UNDER STATE OF SIEGE PROVISIONS. SOME PERSONS HAVE BEEN PERMITTED TO GO INTO EXILE. THE GOVERNMENT HAS NOT CONSISTENTLY USED INVOLUNTARY EXILE AS A PUNISHMENT.

ARTICLE 10: FAIR HEARINGS BY IMPARTIAL TRIBUNALS TO DETERMINE THEIR RIGHTS ARE, AGAIN IN PRACTICAL TERMS, NOT AVAILABLE TO POLITICAL DETAINEES HELD UNDER STATE OF SIEGE PROVISIONS.

ARTICLE 11: UNDER STATE OF SIEGE THERE IS NO PROVISION FOR FAIR TRIAL. THE PARAGUAYAN GOVERNMENT MAINTAINS IT INTENDS TO MAKE IT A GENERAL POLICY TO BRING TO TRIAL ALL DETAINEES AGAINST WHOM THERE IS SOLID EVIDENCE

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AND RELEASE THE REST. FOR THE FIRST TIME THIRTEEN POLITICAL PRISONERS WERE RECENTLY BROUGHT TO TRIAL. THERE IS NO ASSURANCE THAT THIS WILL BE OBSERVED IN ALL CASES.

B. OTHER FREEDOMS

PARAGUAY IS LARGELY FREE FROM DISCRIMINATION BASED ON RACE, RELIGION AND SEX. IN GENERAL, PARAGUAYANS ARE FREE TO MOVE WITHIN THE COUNTRY AND TO GO ABROAD BUT SOME LIMITATIONS MAY BE IMPOSED ON MOVEMENT UNDER STATE OF SIEGE GROUNDS; THE NUMBERS OF INDIVIDUALS AFFECTED HAVE BEEN RELATIVELY SMALL.

PARAGUAYANS HAVE THE RIGHT TO OWN PROPERTY. INDICATIONS ARE OFFICIAL GOVERNMENT POLICY SUPPORTS THIS RIGHT.

THE CONSTITUTIONAL GUARANTEE OF FREEDOM OF RELIGION IS RESPECTED IN PARAGUAY. HOWEVER, PHILOSOPHIES ESPOUSED BY RELIGIOUS ORGANIZATIONS OR OTHERS WHICH ARE CONSIDERED SUBVERSIVE MAY BE DEALT WITH UNDER STATE OF SIEGE PROVISIONS. THE STATE OF SIEGE CONDITIONS THE RIGHTS OF ASSEMBLY AND ASSOCIATION. HOWEVER, THERE ARE OPPOSITION PARTIES IN PARAGUAY WHICH ARE LEGALLY RECOGNIZED. THERE

IS PRESS CENSORSHIP ALTHOUGH IT IS FAR FROM CONSISTENT OR COMPLETE; THERE HAS BEEN ACTIVE PUBLIC DEBATE RELATING TO HUMAN RIGHTS, THE AMENDING OF THE CONSTITUTION AND OPEN CRITICISM OF GOVERNMENT POLICIES IN A NUMBER OF AREAS.

IV. OTHER HUMAN RIGHTS REPORTING

THE INTERNATIONAL LEAGUE FOR HUMAN RIGHTS, AMNESTY INTERNATIONAL AND THE INTERNATIONAL COMMISSION OF JURISTS HAVE ALL ALLEGED ABUSES OF HUMAN RIGHTS IN PARAGUAY INVOLVING INDIANS AND POLITICAL PRISONERS. ALL ORGANIZATIONS NOTE THE LIMITATIONS ON INTERNATIONALLY ACCEPTED HUMAN RIGHTS AND FREEDOMS UNDER THE PRESENT PARAGUAYAN GOVERNMENT.

THE INTER-AMERICAN HUMAN RIGHTS COMMISSION HAS INVESTIGATED THE CLAIMS OF GENOCIDE AGAINST THE ACHE
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INDIANS BY THE PARAGUAYAN GOVERNMENT. A REPORT HAS NOT YET BEEN ISSUED. THE IAHR'S ANNUAL REPORT, HOWEVER, NOTES THAT THE PARAGUAYAN GOVERNMENT HAS NOT YET RESPONDED TO ALL OF ITS INQUIRIES. THE COMMISSION PROVISIONALLY ACCEPTED THE PRELIMINARY CONCLUSION THAT THE PARAGUAYAN GOVERNMENTS' POLICY IS NOT ONE OF GENOCIDE OF THE ACHE BUT RATHER A POLICY ORIENTED TOWARD THE ASSIMILIATION OF THE INDIANS. THIS PRELIMINARY CONCLUSION, HOWEVER, DOES NOT EXCLUDE THE POSSIBILITY THAT ABUSES OCCUR.

THE SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS OF THE HOUSE INTERNATIONAL RELATIONS COMMITTEE HELD A SERIES OF HEARINGS ON HUMAN RIGHTS IN PARAGUAY. THE INTERNATIONAL LEAGUE FOR HUMAN RIGHTS, AMNESTY INTERNATIONAL AS WELL AS OTHER PUBLIC WITNESSES TESTIFIED. THE DEPARTMENT OF STATE TESTIFIED AUGUST 4. THE PUBLIC WITNESSES AND SOME MEMBERS OF THE COMMITTEE BELIEVE THERE ARE GROSS VIOLATIONS OF HUMAN RIGHTS IN PARAGUAY. UNQUOTE
ROBINSON

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